HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT APPEAL No.2620 OF 2005

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AND

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WRIT PETITION No.26398 OF 2005

WRIT APPEAL No.2620 OF 2005:

Between:

Lakshmi Devi, W/o. Sree Ramulu,

age 26 years, R/o.6/259, Bhagyanagar,

Guntakal, Ananthapur District. .. Appellant

AND

Kumari R. Subashini, D/o. P.T. Ratnam,

aged about 48 years, F.P. Shop Dealer,

No.13 Ward, Guntakal Mandal,

Ananthapur District & 3 others .. Respondents

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WRIT PETITION No.26398 OF 2005:

Between:

Kumari R. Subashini, D/o. P.T. Ratnam,

aged about 48 years, F.P. Shop Dealer,

No.13 Ward, Guntakal Mandal,

Ananthapur District .. Petitioner

AND

The Joint Collector, Ananthapur & 2 others .. Respondents

::JUDGMENT::

Counsel for the Appellant : Mr. K. Srinivas
Counsel for Respondent No. 1 : Mr. M. Ganga Rao
Counsel for Respondents 2 to 4 : G.P. for Civil Supplies

January 02, 2006

Per G.S. Singhvi, CJ

This appeal is directed against order dated 9-12-2005 passed by the learned Single Judge in W.P. No.26398 of 2005 whereby he directed Joint Collector, Anathapur (respondent No.2 herein) to decide the appeal filed by the writ petitioner (respondent No.1 herein) against order dated 22-10-2005 passed by Revenue Divisional Officer, Ananthapur, cancelling the latter's authorization of fairprice shop dealership and simultaneously stayed that order.

The main ground on which the appellant has assailed the order of the learned Single Judge is that even though she was a party to order dated 26-11-2005 passed by respondent No.2 declining the prayer of respondent No.1 for stay and had filed a caveat in the writ petition, learned Single Judge disposed of the same without issuing notice and without giving her opportunity of hearing.

Learned counsel for respondent No.1 fairly states that the writ petition filed by his client was disposed of without issuing notice to the appellant, but at the same time he submitted that the Court may, instead of remanding the case to the learned Single Judge, issue direction to respondent No.2 to finally decide the appeal filed against order dated
22-10-2005 passed by Revenue Divisional Officer, Ananthapur.

Learned Government Pleader for Civil Supplies also says that the Court may dispose of this appeal by directing the Joint Collector to pass appropriate order within a specified timeframe.

The suggestion made by the learned counsel for respondent No.1 and the learned Government Pleader is acceptable to the learned counsel for the appellant.

In view of the above, the appeal is allowed. The order of the learned Single Judge is set aside. The writ petition filed by respondent No.1 is disposed of with a direction that the appeal filed by her against order dated 22-10-2005 shall be heard and finally disposed of by respondent No.2 i.e. Joint Collector, Ananthapur, within a period of six weeks from the date of receipt/submission of copy of this order.

While disposing of the appeal in the manner indicated above, we deem it proper to make it clear that respondent No.1 shall not be entitled to operate the fairprice shop on the strength of the order passed by the learned Single Judge, which we have set aside today.

G.S. SINGHVI, C.J.

Date:02-01-2006

R. SUBHASH REDDY, J

PV